

REMARKS

This amendment is offered in response to the Office Action of August 12, 2003.

The Office Action objected to the drawings under 37 C.F.R. §1.83(a), with respect to claims 6, 12, 16, 17 and 19. The Applicant respectfully traverses this rejection. It is respectfully submitted that Claim 6 (now Claim 25) is claiming a length of an interval, rather than the human body itself, and that this interval cannot be effectively illustrated. It is respectfully submitted that the receiver of Claim 12 (now Claim 31) is illustrated in Figure 6, elements 604 and 605 and in Figure 8, elements 811 and 812 (see page 15, line 35 to page 16, line 7). It is respectfully submitted that the keyboard of Claims 16 and 19 (now Claims 35 and 38) is illustrated in elements 813-816 of Figure 8 (see page 16, lines 12-19). It is respectfully submitted that the wireless communication to the second toy of Claim 17 (now Claim 36) is illustrated in Figure 6 (see page 12, lines 14-21).

The Applicant has amended the specification to include the various appropriate headings, and to include an Abstract of the Disclosure (an additional page attached at the end of the present amendment).

A set of replacement claims is included herewith to obviate the rejections under 35 U.S.C. §112, first and second paragraphs.

The Office Action rejected Claims 1-3, 6-7 and 10 under 35 U.S.C. §102(b) as anticipated by the Marshall reference (U.S. Patent No. 4,201,012). Similarly, the Office Action rejected Claims 4, 5, 8 and 9 under 35 U.S.C. §103(a) as obvious over the Marshall reference. The Office Action further rejected Claim 11 under 35 U.S.C. §103(a) as obvious over the Marshall reference in view of the Lin reference (U.S. Patent No. 5,413,518) and rejected Claims

12-19 under 35 U.S.C. §103(a) as obvious over the Marshall reference in view of the Nakada reference (U.S. Patent No. 5,452,901).

At the outset, Claims 1-19 have been canceled, without prejudice or disclaimer, and replaced with Claims 20-38.

The Marshall reference discloses a toy vehicle which can be remote controlled to move by motor drive means. The vehicle is remote controllable to move in the forward, backward, leftward and rightward directions. The vehicle comprises four light responsive members spaced from one another which are selectively illuminated. The light responsive members can be selectively illuminated by a pointable light source (such as a flashlight). The light responsive members are coupled to provide power to respective motors to cause a movement in a desired direction dependent on which of the light responsive members is illuminated by the pointable light source.

This is quite different from the presently pending Claim 20 which recites, in part:

the toy element is arranged to record a pulse pattern with pulses which have flanks, and to

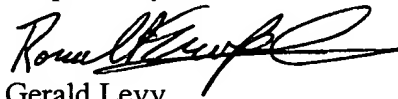
control a predetermined of the at least one units by selecting a program step in dependence of how flanks, with mutual intervals that are longer than 100 milliseconds, occurred temporally in the recorded pulse pattern.

Additionally, with respect to presently pending Claim 31, there is nothing in the prior art which would disclose or suggest combining the communication of instructions of the Nakada reference with the mere illumination of light detectors of the Marshall reference.

It is therefore respectfully submitted that all of the rejections over the prior art have been overcome.

For all of the reasons above, it is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the rejections of the claims, to allow the claims, and to pass this application to early issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald Levy", written over a horizontal line.

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